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Neighborhood Bar & Grill #5711

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Attorneys for Plaintiff
Larry McIver

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Larry McIver,
Plaintiff,
v.

TARGET CORPORATION, dba TARGET
#274; COST PLUS, INC., dba COST PLUS
WORLD MARKET #145; FRIT ESCONDIDO
PROMENADE, LLC; LA SALSA, INC., dba
LA SALSA #93; APPLEBEE'S
RESTAURANTS WEST, LLC, dba
APPLEBEE'S NEIGHBORHOOD BAR &
GRILL #5711; TOYS 'R' US -- DELAWARE,
INC., dba TOYS 'R' US #5633; PARTY CITY
CORPORATION, dba PARTY CITY OF
ESCONDIDO #445; INLAND WESTERN
MDS PORTFOLIO, LLC,
Defendants.

Case No. 08 CV 0132 IEG WMc

**JOINT MOTION TO EXTEND THE
TIME FOR DEFENDANT TO
RESPOND TO THE COMPLAINT**

Judge: Hon. Irma E. Gonzalez

Defendant, Applebee's Restaurants West, LLC dba Applebee's Neighborhood Bar & Grill
#5711 ("Applebee's"), and Plaintiff, Larry McIver ("Plaintiff") hereby file this Joint Motion to

1 extend the period within which Applebee's must file a response to the Complaint on file herein an
 2 additional twenty (20) days (**March 24, 2008**). This Joint Motion is made with reference to the
 3 following facts:

- 4 • On January 23, 2008, Plaintiff filed a 72-page Complaint naming, amongst other
 5 Defendants, Applebee's.
- 6 • Applebee's was personally served with the Complaint on January 29, 2008. Given
 7 the 20th day fell on a court holiday, February 18, 2008, Applebee's response due date
 8 was Tuesday, February 19, 2008.
- 9 • On February 11, 2008, counsel for Plaintiff and Applebee's filed a Joint Motion
 10 requesting an extension up to and including March 4, 2008 for Applebee's file its first
 11 responsive pleading. Such extension was granted by the Court on February 12, 2008.
- 12 • Good cause exists for an extension of time because Applebee's needs additional time
 13 to investigate adequately the claims alleged in this matter, as well as all potential
 14 defenses and/or counterclaims to those claims, and the parties require additional time
 15 to discuss possible settlement of claims.
- 16 • Plaintiff does not oppose and has agreed to Applebee's request that it may have
 17 through to and including **March 24, 2008**, to answer or otherwise respond to
 18 Plaintiff's Complaint.

19 NOW THEREFORE, these moving parties respectfully request that this Court approve and
 20 enter an order in this matter as follows:

21 That the Court grant Applebee's an additional twenty (20) days from
 22 March 4, 2008 (**March 24, 2008**), within which to respond to
 Plaintiff's Complaint on file herein.

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1 WHEREFORE, these moving parties respectfully request that the Court approve this Joint
2 Motion and issue the proposed order which has been sent electronically to this Court's chambers.

3 Dated: March 4, 2008

BAKER & McKENZIE LLP

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5 By: s/George E. Fleming

6 Attorneys for Defendant

7 Applebee's Restaurants West, LLC dba

8 Applebee's Neighborhood Bar & Grill

#5711

E-mail: george.e.fleming@bakernet.com

9 Dated: March 4, 2008

DISABLED ADVOCACY GROUP, APLC

10
11 By: s/Lynn Hubbard, III

12 Attorneys for Plaintiff

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